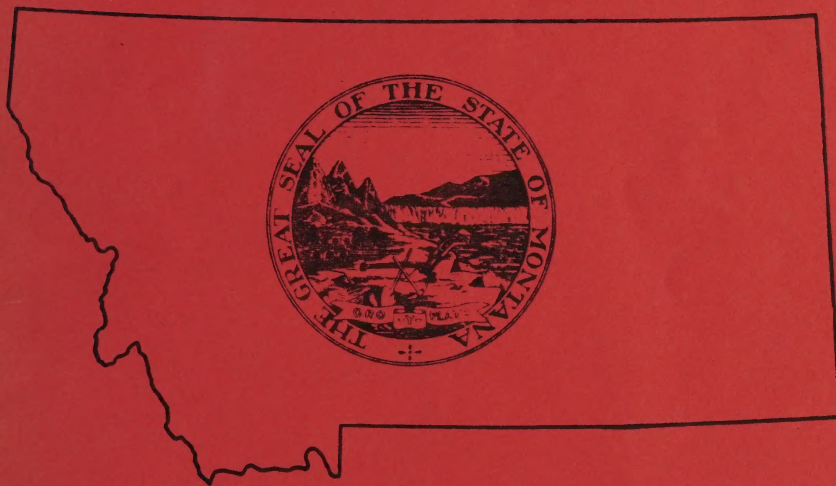


KFM An Introduction to the Montana Legislative
9421.5 Council 1973
.L3
M5
1973

LEGISLATIVE COUNCIL
LIBRARY

\$ 150

LEGISLATIVE COUNCIL



KFM
9421.5
.L3
M5
1973

1973

MONTANA LEGISLATIVE COUNCIL
LIBRARY

KFM
9421.5
.L3
MS
1979

MONTANA LEGISLATIVE COUNCIL

SENATE MEMBERS

Carroll A. Graham,
Chairman
Frank W. Hazelbaker
Neil J. Lynch
Jim Moore

HOUSE MEMBERS

Henry S. Cox,
Vice Chairman
Francis Bardanouve
Harold E. Gerke
Robert L. Marks

* * * * *

Mrs. Rose Weber
Executive Director
Room 138, State Capitol
Helena, Montana

The Montana Legislative Council was originally created in 1957. It was established as a permanent agency of the legislative branch of state government designed to study selected problems confronting the legislature in the interim between biennial sessions and to perform other services which facilitate the legislative process.

In 1973, with the advent of a constitutionally imposed mandate that "the legislature shall meet at least once a year in regular session of not more than sixty (60) legislative days,"¹ the Council was completely restructured. Annual sessions, in practice, increased the Council staff work load and decreased the responsibility of the Council. The standing committees or their sub-committees were permitted to function during the interim period between annual sessions. More committees and a shorter time between sessions required more legislative staff. At the same time, the responsibility of the Council, itself, for performing interim studies was naturally assumed by the standing committees.

SB 451 (Chapter 431, Session Laws of 1973) provided the transition from the old Legislative Council to the new one. For discussion purposes the bill can be divided into three areas.

The first area deals with the powers and duties of the Council. The second area establishes the divisions within the Council staff. The third area provides the authority and procedures for legislative committee operation when the legislature is not in session.

¹ Article V, Section 6, Constitution of Montana, 1972

The Council

SB 451 charges the Legislative Council with largely administrative duties relative to the Council staff. These are, of course, the same duties the former Council had performed. However, the new Council has eight members instead of twelve. Four members are chosen from the House and four members are chosen from the Senate. The membership is still bipartisan and the term of office is for a biennium. Each new Council must be selected before the fiftieth day of the first regular session of the biennium.

The only substantive, non-administrative function left with the new Council is in the form of a safety valve provision. The Council is authorized, in the event a question of pressing importance arises during the interim, to assign determination of the question to an existing joint interim subcommittee.

The Council is specifically denied the authority to approve or disapprove of substantive portions or recommendations of any interim committee. Previously, the Council was responsible for approving all interim studies and recommendations.

Council Staff

The new Council staff is broken into four functional divisions: Legislative Services Division, Research and Reference Services Division, Legal Services Division, and Management and Business Services Division.

The Legislative Services Division is responsible for secretarial preparation of introduced bills, for engrossing and enrolling of bills, and for printing and mailing of the bills. This division functions primarily during the time when the legislature is in session. This division uses the most advanced computerized bill drafting system available and is thereby capable of operating with a high degree of effectiveness and accuracy with a relatively small staff of typists and proofreaders.

The Research and Reference Services Division is responsible for providing the basic research service common to most Council staffs. Each committee operating during the session or during an interim is served by a staff member from this division.

The Legal Services Division is responsible for bill drafting and providing legal assistance to each of the committees. One of the characteristics of the post 1972-constitution legislature is that bills may carry with the same status from one annual session of the biennium to the other. The interim work of subcommittees, then, is largely devoted to consideration of deferred bills. The requirement for legal services under annual sessions has therefore increased markedly because the subcommittees are actually working with the language of introduced bills. The Legal Services Division provides an attorney for each committee.

This division also provides counsel for individual legislators relative to any legal problem that arises during a session or interim.

The Management and Business Services Division maintains all bookkeeping records, signs all legislative claims and payrolls, requisitions, all printing, supplies and equipment and serves the House and Senate during a session.

Legislative Interim Operations

SB 451 (Sections 43-716 through 43-719, R.C.M. 1947) provides the parameters within which the legislature must act during an interim. Section 43-717 is the key from among these sections. It constitutes the Joint Rules Committee of the House and Senate as a "Committee on Priorities." This committee considers all resolutions requesting studies and all deferred bills and selects those to be given interim consideration. No committee may act on any study or measure in the interim unless the same was assigned to it by the Priorities Committee. In addition to establishing priorities on bills and resolutions, the Priorities Committee also sets the number of meetings each interim committee may hold.

There are three types of committees which function during an interim: full standing committees, joint interim subcommittees, and select committees. The joint interim subcommittees are appointed from the regular standing committee. Four members, two from each party, are appointed by the chairman of each standing committee to serve with four selected from the respective committee of the other house. These subcommittees do the major interim work. Each subcommittee must report its findings and recommendations to a joint meeting of the full standing committees from which the subcommittee was selected immediately prior to that session. The action of the subcommittee may then be reported to the floor in the next succeeding session as a full committee report.

A "select committee" is formed during a session to examine a particular issue or bill. This committee is responsible to the house from which it was selected. It operates in a fashion similar to the joint subcommittees except that it may operate during a session. A select committee, in contrast to a joint subcommittee, reports back to the entire body rather than a standing committee.

The full standing committees are also authorized to function during the interim. However, due to the expense involved in holding meetings, these committees meet only once before the second regular session to consider its subcommittee's recommendations.

Legislative Council Staff:

Rose E. Weber, Executive Director
Pamela Frey, Administrative Assistant

Dick Hargesheimer, Legislative Researcher
Karen Hedblom, Legislative Researcher
Michael Morris, Legislative Researcher
Robert Person, Legislative Researcher
Alan Taylor, Legislative Researcher
Mike Meloy, Director of Legal Services Division
Margaret Borg, Staff Attorney
Rosemary Zion, Staff Attorney
Roberta Moody, Supervisor, ALTER System

Since its creation the Council has issued the following major research publications:

1957-58 Interim

- *Legislative Handbook
- *Report No. 1 - Montana State Prison
- *The Administration of Higher Education in Montana
(By G. Homer Durham)
- *General Report No. 1

1959-60 Interim

- *The State Government of Montana (Organization Chart)
- *Report No. 2 - Legislative Procedures
- *Report No. 3 - The Organization and Administration of State Government
- *Report No. 4 - State Lands and Investments
- *Report No. 5 - Higher Education
- *Report No. 6 - Property Taxation in Montana
- *General Report No. 2

1961-62 Interim

- *Bill Drafting Manual for the Montana Legislative Assembly
- Report No. 7 - Executive Reorganization
- *Report No. 8 - Fiscal Control
- *Report No. 9 - State Treasury Fund Structure

1963-64 Interim

- *The State Government of Montana (Organization Chart)
- Report No. 10 - Legislative Rules
- Report No. 11 - Public Official and Employee Bonds --
Fees Collected by State Agencies
- *Report No. 12 - Personnel Management
- *Report No. 13 - Administration of State Liquor Monopoly
- *Report No. 14 - Investment of Public Funds
- *Report No. 15 - Revision of Laws for the Department of Public Institutions
- *Report No. 16 - Property Taxation and the Montana Property Classification Law

1965-66 Interim

- Report No. 17 - Legislative Fiscal Analysis
- *Report No. 18 - Revision of Public Health Laws --
Revision of Fire Protection Laws
- *Report No. 19 - Professional and Occupational Licensing Boards
- *Report No. 20 - Revision of Laws for Public Schools
- Report No. 21 - Conservancy Districts
- *Report No. 22 - Retirement Systems for Policemen and Firemen
- Report No. 23 - Montana Taxation

1967-68 Interim

- *The State Government of Montana (Organization Chart)
- Report No. 24 - Building Standards -- Election Laws
- *Report No. 25 - The Montana Constitution
- Report No. 26 - Montana Corporation License Tax
- Report No. 27 - State Printing
- Report No. 28 - Vocational Education

1969-70 Interim

- Report No. 29 - Regulation of the Sale and Use of Pesticides --
Pesticide Statewide Laboratory System
- Report No. 30 - Self-Insurance on State-Owned Property
- Report No. 31 - Property Taxation -- Right of Entry
- Report No. 32 - Recodification of School Laws
Elementary & Secondary Education - Higher
Education
- Report No. 33 - Administrative Procedures
- Report No. 34 - Local Government
- Report No. 35 - Income Taxation
- Report No. 36 - Board of Railroad Commissioners Ex Officio
Public Service Commission of Montana
- Report No. 37 - Vietnam Honorarium

1971-72 Interim

- Report No. 38 - Executive Reorganization
- Report No. 39 - Health Service Corporations
- Report No. 40 - Higher Education, Duplications
- Report No. 41 - Highways
- Report No. 42 - Insurance Reform
- Report No. 43 - Juvenile Institutions
- Report No. 44 - Legislative Modernization
- Report No. 45 - Local Government
- Report No. 46 - Public Service Commission
- Report No. 47 - Roll Call and Sound System, House
- Report No. 48 - School Construction
- Report No. 49 - School Equalization Aid
- Report No. 50 - School Foundation Program
- Report No. 51 - Self-Insurance, Schools
- Report No. 52 - State Laboratories

Report No. 53 - Water Resources
Report No. 54 - Welfare

Copies of reports marked with an asterisk are not available for distribution.

Studies assigned by the 1973 legislature are as follows:

CONSTITUTION, ELECTIONS AND FEDERAL RELATIONS:

- HJR 14 - Requesting a study of the laws relating to elections for cities and towns.
- SJR 1 - Legislative Council to conduct study of problems involved in 1972 constitution, concerning the various fundamental citizens' rights.
- HR 16 - Directing the Legislative Council to conduct a comprehensive study of election laws and to draft model legislation.
- HB 478 - Requiring political committees to file an organizational statement prior to commencing financial activity.
- HB 479 - Establishing the use of the social security number as the voter registration number.

EDUCATION:

- SJR 31 - Requesting the Legislative Council to study administration and finance of Montana libraries.
- HB 386 - Expanding the definition of handicapped to include educationally handicapped children and to require mandatory special education services.

FINANCE AND CLAIMS:

- SJR 15 - Directing the Legislative Council to conduct a study of public school bond issues.
- SR 18 - Requesting the Legislative Council to conduct a study of the Swan River Youth Forest Camp.

HIGHWAYS AND TRANSPORTATION:

- SB 367 - Department of Highways to be custodian of motor vehicles used in the service of the state of Montana.

JUDICIARY -- UNIFORM PROBATE CODE:

- HB 557 - The "Uniform Probate Code" relating to affairs of decedents, missing persons, protected persons, minors, incapacitated persons and certain others.
- HB 224 - An act governing the disposition of community property rights at death.
- HB 461 - Provide for creation of joint tenancies with right of survivorship and subsequent transfer of property in the tenancy at the death of a spouse without court intervention.

JUDICIARY - NO-FAULT INSURANCE:

- SB 38 - No-fault insurance bill.
- SB 80 - No-fault motor vehicle insurance -- consumer protection.
- SB 81 - No-fault insurance -- freedom of choice.
- SB 331 - To require each motor vehicle liability policy in this state to provide first party personal injury insurance coverage.
- HB 250 - Uniform motor vehicle accident reparations act of 1973.

LEGISLATIVE ADMINISTRATION:

- SJR 27 - To provide a special committee to inquire into the requirements necessary to insure a high quality of legislative employees.

PUBLIC HEALTH:

- HJR 18 - Requesting the Legislative Council to determine an acceptable minimum level of service to be provided by county and city-county health depts.
- SJR 34 - Legislative Council to conduct an interim study of health maintenance organizations for Montana.
- HB 412 - Expanding duties and service of the division of mental retardation of the State Dept. of Institutions by establishing and conducting developmental disabilities clinics and community comprehensive centers.

HB 202 - Providing that support of family planning shall be an affirmative policy of the state.

RULES:

Comprehensive review of Joint Rules.

STATE ADMINISTRATION:

HJR 22 - Requesting the Legislative Council to study the funding and operation of the various pension and retirement systems for public employees.

SB 240 - To establish a sheriffs' retirement system.

TAXATION:

PERSONAL AND HOUSEHOLD PROPERTY

SB 216 - Reclassifying household goods for property tax purpose.

SB 248 - Reclassifying household goods -- for taxation purposes -- to be phased out and discontinued by 1975.

SB 266 - To exempt from taxation household goods and personal or domestic purposes.

GAMBLING:

SR 30 & HR 28 - Requesting the Legislative Council to study the operations of the Montana Horse Racing Commission, including a comparison of pari-mutuel practices in other states.

SJR 18 - Directing legislators to introduce all gambling bills before the sixtieth day of the 1973 Session and directing the Joint Select Committee on Gambling to study all introduced gambling bills during the legislative interim.

HB 413 - Allowing raffles and bingo games to be held in the state.

HB 493 - Concerning the establishment and operation of a state lottery.

HB 507 - Legalizing all forms of gambling but limiting the number of gambling devices permitted in any one establishment.

- HB 514 - Limiting, licensing, regulating and controlling gambling.
- HB 515 - Permitting bingo, lotteries, slot machines, punchboards, pull tabs and tab jars and permitting social games played for drinks, cigars, or cigarettes or played in private homes.
- HB 526 - Making lawful the conducting of games of chance, commonly known as punch boards.
- HB 533 - Defining gambling; making gambling activities illegal except for contests of skill and social gambling.
- HB 535 - Providing for and obtaining revenue from a state supervised lottery -- all drawings regulated by Board of Examiners of Montana.
- HB 546 - Making lawful the conducting of games of chance, commonly known as punch boards.
- HB 605 - An act to authorize gambling at not more than ten (10) locations in Montana and providing for regulation and tax thereof.

MEMBERSHIP OF INTERIM SUBCOMMITTEES

CONSTITUTION, ELECTIONS AND FEDERAL RELATIONS:

Sen. John K. McDonald, Chairman	Rep. Mike Greely
Sen. Antoinette Rosell, Vice Chairman	Rep. Tom Haines
Sen. Harry T. Northey	Rep. Hal Harper
Sen. A. A. Zody	Rep. Al Kosena

EDUCATION:

Sen. P. J. Gilfeather, Chairman	Rep. Bill Warfield, Vice Chairman
Sen. Paul F. Boylan	Rep. Fred O. Barrett
Sen. J. W. Breeden	Rep. Jack Gunderson
Sen. William L. Mathers	Rep. Gail Stoltz

FINANCE AND CLAIMS:

Sen. William Bertsche, Chairman	Rep. J. O. Asbjornson, Vice Chairman
Sen. Gordon Bollinger	Rep. Francis Bardanouve
Sen. Archie Cochrane	Rep. Tom Haines
Sen. Earl Moritz	Rep. Al Kosena

HIGHWAYS AND TRANSPORTATION:

Sen. C. F. Sorenson,
Chairman
Sen. Fred O. Broeder
Sen. Dave M. Manning
Sen. Earl Moritz

Rep. John E. Walborn,
Vice Chairman
Rep. Dave Aageson
Rep. John E. Healy
Rep. Orin P. Kendall

JUDICIARY -- UNIFORM PROBATE CODE:

Sen. Jim Moore,
Vice Chairman
Sen. P. J. Gilfeather
Sen. (Mrs.) John Nelson Hall
Sen. Jean A. Turnage

Rep. John C. Hall,
Chairman
Rep. James P. Lucas
Rep. Joe Roberts
Rep. Bill Warfield

JUDICIARY -- NO-FAULT INSURANCE:

Sen. Luke McKeon,
Co-Chairman
Sen. James T. Harrison,
Vice Chairman
Sen. Glen L. Drake
Sen. A. A. Zody

Rep. Thomas E. Towe,
Co-Chairman
Rep. William R. Baeth
Rep. John F. Bell
Rep. Robert J. Brown

PUBLIC HEALTH:

Sen. Leonard E. Vainio,
Chairman
Sen. J. W. Breeden
Sen. Archie M. Cochrane
Sen. Elmer Flynn

Rep. Gary Marbut,
Vice Chairman
Rep. Robert E. Lee
Rep. Bill Norman
Rep. S. A. Olson

RULES COMMITTEE:

Sen. Neil Lynch,
Chairman
Sen. Elmer Flynn
Sen. Carroll Graham
Sen. Frank Hazelbaker
Sen. John McDonald
Sen. William Mathers
Sen. Jim Moore
Sen. Jean A. Turnage

Rep. Larry Fasbender
Rep. Harold Gerke
Rep. John Hall
Rep. Oscar Kvaalen
Rep. Walter Laas
Rep. Lloyd Lockrem
Rep. Jim Lucas
Rep. Tom Selstad

STATE ADMINISTRATION:

Sen. David James,
Chairman
Sen. George Bennett
Sen. John Devine
Sen. Peter Story

Rep. Wallace Mercer,
Vice Chairman
Rep. Joe Brand
Rep. William Campbell
Rep. William Menahan

TAXATION:

Sen. Stanley Nees,
Chairman
Sen. George Bennett
Sen. Gordon McOmber
Sen. Jean A. Turnage

Rep. James Burnett,
Vice Chairman
Rep. Thomas E. Towe
Rep. Walter J. Ulmer
Rep. Robert D. Watt

SELECT COMMITTEE ON GAMBLING:

Sen. Gordon McGowan,
Chairman
Sen. Elmer Flynn
Sen. William Lowe
Sen. Neil Lynch
Sen. Jean A. Turnage

Rep. Walt Ulmer,
Vice Chairman
Rep. Robert Brown
Rep. John Hall
Rep. Robert Lee
Rep. Orphey Lien

SELECT COMMITTEE ON WILD RIVERS:

Rep. Francis Bardanouve,
Chairman
Rep. Robert Marks
Rep. Robert Prevost
Rep. Joe Quilici
Rep. George Turman

JOINT STANDING COMMITTEES ON LEGISLATIVE ADMINISTRATION:

Sen. Gordon E. Bollinger
Sen. Por Deschamps
Sen. Carroll Graham
Sen. Frank W. Hazelbaker
Sen. C. F. Sorenson

Rep. Wallace Edlund,
Chairman
Rep. Lee Hubing
Rep. John Lynch
Rep. Bill Norman
Rep. Clyde A. Turner

* * * * *

RULES OF PROCEDURE

The Council is empowered by law to adopt rules of procedure and make all arrangements for its meetings. Complete minutes are maintained and are open to inspection. The following rules have been adopted by the Council:

RULES OF PROCEDURE 1973-1974

RULE I

Each legislative council shall determine the rules of its proceedings.

RULE II

Regular meetings of the legislative council shall be held in the Capitol Building, Helena, Montana, unless otherwise ordered by a majority of members at a previous meeting. Special meetings may be scheduled by a majority of members at a previous meeting or may be called by the chairman on at least ten (10) days notice to the members. Any member of the legislative council who misses two (2) consecutive meetings may be relieved of his duties by a majority of the council.

RULE III

All meetings of the legislative council shall be conducted under the established rules of the senate of the state of Montana as to quorums and parliamentary procedure as applicable.

RULE IV

If a question of state-wide importance arises when the legislature is not in session and a subcommittee has not been appointed to consider the question, a majority of the council may agree to assign the question to an appropriate subcommittee, with the concurrence of the priorities committee.

RULE V

The council staff shall assist individual members of the legislative assembly on request by compiling and analyzing material relating to state government. Such research may not exceed two man-days of work without the consent of the council. This limitation shall not apply to the council's bill drafting service during and immediately preceding a legislative session.

RULE VI

Subject to the approval of the council, the executive director may engage necessary stenographic, clerical and other assistance for the operation of the council, legislative services division, the ALTER program, and aid to interim subcommittees of standing legislative committees.

RULE VII

The minutes of all regular and special meetings shall be mailed to each member of the council as soon as possible after each meeting.

RULE VIII

Claims and requisitions up to \$100, payrolls and routine claims in excess of \$100 may be approved by the executive director; all other claims and requisitions must be approved by the chairman of the council.

RULE IX

All meetings shall be open to the public except when in executive session.

RULE X

All publicity, and news releases on behalf of the council shall be made by the chairman of the council.

RULE XI

Alteration, suspension or amendment of these rules may be by vote of a majority of the council.

MONTANA LEGISLATIVE COUNCIL
LIBRARY

Montana State Library



3 0864 1007 0235 9